



OFFICE OF THE ATTORNEY GENERAL • STATE OF TEXAS
JOHN CORNYN

September 7, 1999

Ms. Eugenia Cano
City Attorney
City of Alvin
216 W. Sealy
Alvin, Texas 77511

OR99-2483

Dear Ms. Cano:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127545.

The City of Alvin (the "city") received a request for numerous documents pertaining to a specific councilman. You assert that a portion of the responsive information may be excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and have reviewed the submitted information.

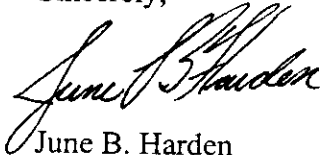
Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information protected by the common-law right of privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 683-85 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). The requestor is asking for unspecified records in which the councilman is identified. The requestor is, in essence, asking that the city compile this individual's criminal history. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United*

¹The city has only sought a ruling for information responsive to item 4 of the request. Therefore, we presume that, to the extent it exists, information responsive to the other items of the request has been provided to the requestor. *See* Gov't Code 552.301.

States Dep't of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749 (1989) (concluding that federal regulations which limit access to criminal history record information that states obtain from the federal government or other states recognize privacy interest in such information). Similarly, open records decisions issued by this office acknowledge this privacy interest. See Open Records Decision Nos. 616 (1993), 565 (1990). Therefore, pursuant to section 552.101, the city must withhold all information relating to item 4 of the request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 127545

Encl. Submitted documents

cc: Mr. Frank Miller
510 N. Shirley, #40
Alvin, Texas 77511
(w/o enclosures)